REMARKS

Claims 1-27 are pending in this application and under consideration. Claims 1, 9, and 17 are amended herein. Claims 25, 26, and 27 are added herein. Support for the amendments to claims 1, 9, and 17 may be found at page 11, lines 25, 26, and 27, page 12, lines 1-25, page 14, lines 22-27 and page 15, lines 1-7 of the specification. This amendment is believed to place the application in condition for allowance, and entry therefore is respectfully requested. In the alternative, entry of this amendment is requested as placing the application in better condition for appeal by, at least, reducing the number of issues outstanding. Further reconsideration is requested based on the foregoing amendment and the following remarks.

Response to Arguments:

The Applicants appreciate the consideration given to their arguments. The final Office Action asserts in the second full paragraph at page 2, that:

> This process takes the oldest message in the memory and selectively deletes the last characters in that message until the newly received message is stored."

To the contrary, since DeLuca takes the oldest message in the memory 14 and selectively deletes the last characters in that message, only a *part* of the earliest stored, unprotected message will be deleted, not "the oldest retained character information of all of the retained character information," as recited in claims 1, 9, and 17.

The final Office Action goes on to assert in the second full paragraph at page 2, that:

> Although DeLuca describes the process down to the character-level, but in the end, the process still achieves the effect of the new character information is overwritten on the oldest character information.

To the contrary, since DeLuca describes the process down to the character-level, only a *part* of the earliest stored, unprotected message will be deleted, not "the oldest retained character information of all of the retained character information," as recited in claims 1, 9, and 17.

The final Office Action suits at page 3, that:

> By saying, "typically the earliest received message is deleted and the newly received message is stored in its place," clearly DeLuca means usually the overwriting of the oldest message will take place. However, there are times when "this deletion may be undesirable," when the user intends to keep that old

message. In this case, DeLuca provides a means to set the message as
protected and thus prevents the deletion from taking place.

Since, as noted in the final Office Action, DeLuca provides a means to set the message
as protected and thus *prevent* the deletion from taking place, instead of undesirably deleting the
earliest received message and storing the newly received message in its place, DeLuca teaches
away from overwriting "the oldest retained character information of all of the retained character
information," as recited in claims 1, 9, and 17.

The final Office Action goes on to assert in the first full paragraph at page 3, that:

In response, the Examiner respectfully disagrees because the cited passage
does not have anything to do with retaining character information in a way that
it is overwritten over the oldest character information. Instead, Marsh is
describing how conventional devices store recorded programs, not character
information recited in the claims.

Marsh, to the contrary, describes *erasing* programs as unfortunate, not storing recorded
programs. And Marsh itself has nothing to do with character information, as acknowledged
graciously in the final Office Action in the first full paragraph at page 7. It is submitted, therefore,
that persons of ordinary skill in the art at the time the invention was made would have been
deterred from modifying Marsh is proposed in the final Office Action, since Marsh describes
erasing as unfortunate.

The final Office Action goes on to assert at the bottom of page 3, continuing at the top of
page 4, that:

Moreover, to one of ordinary skill in the art, overwriting of old information is
necessary because of limited storage capacity of storage devices. For that
reason, although Marsh does not explicitly teach that feature, there must be a
way to handle the situation when the storage device storing the character
information becomes full.

Marsh, indeed, handles the situation when the storage device storing the character
information becomes full by automatically selecting a candidate program to be recorded,
recording content associated with the selected candidate program, and selectively identifying the
recorded content within a time-dependent buffer arrangement, not "retaining the character
information obtained by said information obtaining unit in a way that is overwritten on the oldest
retained character information of all of the retained character information," as recited in claims 1,
9, and 17. in particular, as described column 2, lines 17-22:

The above stated needs and others are met, for example, by a method that includes automatically selecting a candidate program to be recorded, recording content associated with the selected candidate program, and selectively identifying the recorded content within a time-dependent buffer arrangement.

Since Marsh is automatically selecting a candidate program to be recorded, recording content associated with the selected candidate program, and selectively identifying the recorded content within a time-dependent buffer arrangement, Marsh has no need for any scheme of DeLuca's.

The final Office Action goes on to assert at page 4, that:

The response as described is characterized at least as "watching or never replayed." If the program is watched, the viewer must be using an input device to issue a play command. The issuance of such a command corresponds to a notification of an operation of displaying.

Since, as noted in the final Office Action, Marsh has to wait to see whether the viewer watched the program, Marsh is not searching "on the basis of character information obtained by said information obtaining unit at the time of receiving" as recited substantially in claims 1, 9, and 17.

Arai also discloses "for the program information of the program related to the received program on the basis of character information retained at the time of receiving, from an input device, a notification of an operation of displaying or reserving the program related to the program contents during the viewing." At column 13, line 60 - column 14, line 2, Arai clearly discloses a user using a remote controller to make a request to reserve a program. This action causes a read of related program information.

Since, as noted in the final Office Action, a user using a remote controller to make a request to reserve a program *causes* a read of related program information, Arai is not searching "on the basis of character information obtained by said information obtaining unit at the time of receiving" as recited substantially in claims 1, 9, and 17.

Finally, the final Office Action asserts at page 5, that:

Lohan in [0123] states, "to provide the user with means for .... by using EPG display to identify and select the program segments with which the newly created metadata is associated." The means for selecting the program segments corresponds to the input device that is claimed. The selecting of the program segments corresponds to a notification of an operation of displaying. Furthermore, the selected program segments have associated metadata. These metadata is "used to display an electronic program guide (EPG) for the user

which displays in some convenient format information concerning the content of available broadcast programming." This step is corresponding to "search for the program information of the program related to the received program" [segments] as claimed.

Since Logan uses metadata to display an electronic program guide (EPG) for the user is displayed in some convenient format information concerning the content of available broadcast programming, as noted in the final Office Action, Logan is not searching "for the program information of the program related to the received program on the basis of character information retained at the time of receiving, from an input device, a notification of an operation of displaying or reserving the program related to the program content during the viewing in the character information retained by said information retaining unit," as recited formerly in claims 1, 9, and 17.

Still, in the interest of compact prosecution only, and not for any reason of patentability, the fifth clause of claim 1, for example, has been amended further to recite:

Wherein said search request unit makes said program information retaining unit search for the program information of the program related to a scene of the received program on the basis of character information obtained by said information obtaining unit at the time of receiving, from an input device, a notification of an operation of displaying or reserving the program related to the program content during the viewing.

Further reconsideration is thus requested.

Claim Rejections - 35 U.S.C. § 103:

Claims 1, 2, 3, 9, 10, 11, 17, 18, and 19 were rejected under 35 U.S.C. § 103(a) as unpatentable over US Patent No. 6,931,657 to Marsh et al. (hereinafter "Marsh") in view of US Patent No. 5,258,739 to DeLuca et al. (hereinafter "DeLuca"). The rejection is traversed to the extent it might apply to the claims as amended. Reconsideration is earnestly solicited.

Claims 1, 9, and 17 recite substantially:

Wherein said search request unit makes said program information retaining unit search for the program information of the program related to a scene of the received program on the basis of character information obtained by said information obtaining unit at the time of receiving, from an input device, a notification of an operation of displaying or reserving the program related to the program content during the viewing.

Neither Marsh nor DeLuca teach, disclose, or suggest searching "for the program information of the program related to a scene of the received program on the basis of character information

obtained by said information obtaining unit at the time of receiving, from an input device, a notification of an operation of displaying or reserving the program related to the program content during the viewing," as recited substantially in claims 1, 9, and 17. In Marsh, rather, bubbling agent 110 can monitor the content of recorded programs and look for patterns or similarities that point towards potential candidate selection criteria for future programming. In particular, as described at column 5, line 64-67, continuing at column 6, line 1:

> Thus, for example, bubbling agent 110 can monitor the content of recorded programs and look for patterns or similarities that point towards potential candidate selection criteria for future programming.

Since, in Marsh, bubbling agent 110 can monitor the content of recorded programs and look for patterns or similarities that point towards potential candidate selection criteria for future programming, Marsh is not searching "for the program information of the program related to a scene of the received program on the basis of character information obtained by said information obtaining unit at the time of receiving, from an input device, a notification of an operation of displaying or reserving the program related to the program content during the viewing," as recited substantially in claims 1, 9, and 17.

Moreover, in Marsh, intelligent content agent 108 and/or bubbling agent 110 may also access a select library list 116 that includes identifiable characteristics associated with recorded programs that have been recorded in the past. In particular, as described at column 6, lines 15-19:

> In addition to EPG database 112 and viewer profile 114, intelligent content agent 108 and/or bubbling agent 110 may also access a select library list 116 that includes identifiable characteristics associated with recorded programs that have been recorded in the past.

Since, in Marsh, intelligent content agent 108 and/or bubbling agent 110 may also access a select library list 116 that includes identifiable characteristics associated with recorded programs that have been recorded in the past, Marsh is not searching "for the program information of the program related to a scene of the received program on the basis of character information obtained by said information obtaining unit at the time of receiving, from an input device, a notification of an operation of displaying or reserving the program related to the program content during the viewing," as recited substantially in claims 1, 9, and 17.

Finally, in Marsh, bubbling agent 110 may examine information in select library list 116 for

program similarities, viewer watching patterns, etc. In particular, as described at column 6, lines 19, 20, and 21:

> Thus, for example, bubbling agent 110 may examine information in select library list 116 for program similarities, viewer watching patterns, etc.

Since, in Marsh, bubbling agent 110 may examine information in select library list 116 for program similarities, viewer watching patterns, etc, Marsh is not searching "for the program information of the program related to a scene of the received program on the basis of character information obtained by said information obtaining unit at the time of receiving, from an input device, a notification of an operation of displaying or reserving the program related to the program content during the viewing," as recited substantially in claims 1, 9, and 17.

DeLuca, for its part, is storing messages in a selective call receiver, as described at column 1, lines 10 and 11, and would thus have had no use for searching "for the program information of the program related to a scene of the received program on the basis of character information obtained by said information obtaining unit at the time of receiving, from an input device, a notification of an operation of displaying or reserving the program related to the program content during the viewing," as recited substantially in claims 1, 9, and 17. Thus, even if Marsh and DeLuca were combined as proposed in the final Office Action, the claimed invention would not result. Claims 1, 9, and 17 are submitted to be allowable. Withdrawal of the rejection of claims 1, 9, and 17 is earnestly solicited.

Claims 2, 3, 10, 11, 18, and 19 depend from claim 1, claim 9, or claim 17 and add further distinguishing elements. Claims 2, 3, 10, 11, 18, and 19 are thus also submitted to be allowable. Withdrawal of the rejection of claims 2, 3, 10, 11, 18, and 19 is also earnestly solicited.

<u>Claims 1-4, 9-12, and 17-20:</u>

Claims 1-4, 9-12, and 17-20 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,751,401 to Arai <u>et al.</u> (hereinafter "Arai") in view of Marsh and DeLuca. The rejection is traversed to the extent that might apply to the claims as amended. Reconsideration is earnestly solicited.

Neither Marsh nor DeLuca teach, disclose, or suggest searching "for the program information of the program related to a scene of the received program on the basis of character information obtained by said information obtaining unit at the time of receiving, from an input device, a notification of an operation of displaying or reserving the program related to the

program content during the viewing," as discussed above with respect to the rejection of claims 1, 9, and 17 over the combination of Marsh and DeLuca. Arai does not either, as acknowledged graciously by the final Office Action in the first full paragraph at page 6, and thus cannot make up for the deficiencies of either Marsh or DeLuca with respect to any of claims 6, 7, 8, 14, 15, 16, 22, 23, and 24. Thus, even if Arai, Marsh, and DeLuca were combined as proposed in the final Office Action, the claimed invention would not result. Claims 1, 9, and 17 are submitted to be allowable. Withdrawal of the rejection of claims 1, 9, and 17 is earnestly solicited.

Claims 2, 3, 4, 10, 11, 12, 18, 19, and 20 depend from claim 1, claim 9, or claim 17 and add further distinguishing elements. Claims 2, 3, 4, 10, 11, 12, 18, 19, and 20 are thus also submitted to be allowable. Withdrawal of the rejection of claims 2, 3, 4, 10, 11, 12, 18, 19, and 20 is also earnestly solicited.

<u>Claims 1, 2, 3, 5, 9, 10, 11, 13, 17, 18, 19, and 21:</u>

Claims 1, 2, 3, 5, 9, 10, 11, 13, 17, 18, 19, and 21 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Application Publication No. 2002/0120925 to Logan <u>et al.</u> (hereinafter "Logan") in view of DeLuca. The rejection is traversed to the extent that might apply to the claims as amended. Reconsideration is earnestly solicited.

Neither Logan nor DeLuca teach, disclose, or suggest searching "for the program information of the program related to a scene of the received program on the basis of character information obtained by said information obtaining unit at the time of receiving, from an input device, a notification of an operation of displaying or reserving the program related to the program content during the viewing," as recited substantially in claims 1, 9, and 17. In Logan, rather, metadata used to display an electronic program guide (EPG) for the user is displayed in some convenient format information concerning the content of available broadcast programming. In particular, as described in paragraph [0123]:

> Note that the metadata created at 111 and/or 180, and stored at 113 and/or 133, may include metadata used to display an electronic program guide (EPG) for the user which displays in some convenient format information concerning the content of available broadcast programming.

Since, in Logan, metadata used to display an electronic program guide (EPG) for the user is displayed in some convenient format information concerning the content of available broadcast programming, Logan is not searching "for the program information of the program related to a scene of the received program on the basis of character information obtained by

said information obtaining unit at the time of receiving, from an input device, a notification of an operation of displaying or reserving the program related to the program content during the viewing," as recited substantially in claims 1, 9, and 17.

In Logan, moreover, the descriptive metadata created by professional editors and/or users can form the basis for finding and enjoying content that would otherwise be difficult to index because of its non-textual character. In particular, as described further in paragraph [0124]:

> As noted earlier, metadata created by individual users may be simply stored locally at 133 as an Internet accessible resource. Web crawling "spider" programs executing on remote computers may then retrieve and index this metadata and then act as "search engine" directories that may be publicly accessed to locate metadata of interest. For example, a search for "Stardust" might locate metadata describing an audio recording of the song by that name, biographic programming about the composer or performing artists, and the like. Thus, the descriptive metadata created by professional editors and/or users can form the basis for finding and enjoying content that would otherwise be difficult to index because of its non-textual character.

Since, in Logan, the descriptive metadata created by professional editors and/or users can form the basis for finding and enjoying content that would otherwise be difficult to index because of its non-textual character, Logan is not searching "for the program information of the program related to a scene of the received program on the basis of character information obtained by said information obtaining unit at the time of receiving, from an input device, a notification of an operation of displaying or reserving the program related to the program content during the viewing," as recited substantially in claims 1, 9, and 17.

DeLuca, for its part, is storing messages in a selective call receiver, as described at column 1, lines 10 and 11, and would thus have had no use for searching "for the program information of the program related to a scene of the received program on the basis of character information obtained by said information obtaining unit at the time of receiving, from an input device, a notification of an operation of displaying or reserving the program related to the program content during the viewing," as discussed above with respect to the rejection of claims 1, 9, and 17. Thus, even if Logan and DeLuca were combined as proposed in the final Office Action, the claimed invention would not result. Claims 1, 9, and 17 are submitted to be allowable. Withdrawal of the rejection of claims 1, 9, and 17 is earnestly solicited.

Claims 2, 3, 5, 10, 11, 13, 18, 19, and 21 depend from claim 1, claim 9, or claim 17 and

add further distinguishing elements. Claims 2, 3, 5, 10, 11, 13, 18, 19, and 21 are thus also submitted to be allowable. Withdrawal of the rejection of claims 2, 3, 5, 10, 11, 13, 18, 19, and 21 is also earnestly solicited.

Claims 6, 7, 8, 14, 15, 16, 22, 23, and 24:

Claims 6, 7, 8, 14, 15, 16, 22, 23, and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Logan and DeLuca in view of Arai. The rejection is traversed to the extent that might apply to the claims as amended. Reconsideration is earnestly solicited.

Claims 6, 7, 8, 14, 15, 16, 22, 23, and 24 depend from claim 1, claim 9, or claim 17 and add further distinguishing elements. Neither Logan nor DeLuca teach, disclose, or suggest searching "for the program information of the program related to a scene of the received program on the basis of character information obtained by said information obtaining unit at the time of receiving, from an input device, a notification of an operation of displaying or reserving the program related to the program content during the viewing," as discussed above with respect to the rejections of claims 1, 9, and 17. Arai does not either, as acknowledged graciously by the final Office Action in the first full paragraph at page 6, and thus cannot make up for the deficiencies of either Logan or DeLuca with respect to any of claims 6, 7, 8, 14, 15, 16, 22, 23, and 24. Thus, even if Logan, DeLuca, and Arai were combined as proposed in the final Office Action, the claimed invention would not result. Claims 6, 7, 8, 14, 15, 16, 22, 23, and 24 are thus also submitted to be allowable. Withdrawal of the rejection of claims 6, 7, 8, 14, 15, 16, 22, 23, and 24 is also earnestly solicited.

New claims 25, 26, and 27:

Claims 25, 26, and 27 depended from claims 1, 9, and 17, respectively and add further distinguishing elements. The second clauses of claims 25, 26, and 27, for example, recite:

Retaining the character information obtained by said information obtaining unit in a way that is overwritten on the oldest retained character information of all of the retained character information in the information retaining unit.

None of the cited references teach, disclose, or suggest "retaining the character information obtained by said information obtaining unit in a way that is overwritten on the oldest retained character information of all of the retained character information in the information retaining unit," as recited in claims 25, 26, and 27. Claims 25, 26, and 27 are thus believed to be allowable.

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Conclusion:

Accordingly, in view of the reasons given above, it is submitted that all of claims 1-27 are allowable over the cited references. Allowance of all claims 1-27 and of this entire application is therefore respectfully requested.

Finally, if there are any formal matters remaining after this response, the Examiner is invited to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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